Grain Growers
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Submission

Productivity Commission inquiry into 'Regulation in Australian Agriculture'

March 2016

5 March 2016

Mr Paul Lindwall
Presiding Commissioner
Regulation of Australian Agriculture, Productivity Commission
Locked Bag 2, Collins St East PO
Melbourne VIC 8003

Dear Mr Lindwall

GrainGrowers welcome the opportunity to provide a submission to the Productivity Commission inquiry into 'Regulation in Australian Agriculture'.

GrainGrowers is an independent, national grain farmer organisation that represents the views of 17,500 members across Australia. GrainGrowers aims to build a more efficient, sustainable and profitable grains sector that benefits Australian grain farmers and the wider grains industry through:

- Developing strong evidence-based policy positions and submissions, which are approved by growers via our National Policy Group
- Running education courses and events, which build human capacity and industry leadership skills
- Developing and distributing a range of products and services which directly benefit industry
- Representing grain farmers to the Grains Research and Development Corporation to ensure accountability and guide direction setting for research and development initiatives and strategy (GrainGrowers is the designated Representative Organisation for the Australian grains industry under the *Primary Industries Research and Development Act 1989*).

A degree of regulation in agriculture is important to maintain minimum standards for society and the environment and enable market access. However, regulation in Australian agriculture as it currently stands is unduly complicated, duplicative and overly burdensome. As a result, we have a situation where agricultural productivity is being restricted by the compounding effects of regulation.

This submission identifies a number of red tape and regulatory approaches that impose an unnecessary burden on Australian grain farming businesses, with consequences for productivity and competitiveness.

I trust the information in this submission will be of assistance to the inquiry. If you would like to discuss any aspect of this submission, please contact me

Yours faithfully

David McKeon
General Manager, Policy & Advocacy

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The Australian Grains Industry

Agriculture is a key foundation of the Australian economy. In 2015-16, Australian farm production is forecast to be worth $ $60.3 billion[1]. While farm-based agriculture directly contributes two percent to Australia's gross domestic product (GDP),[2] the sector also underpins Australia's largest manufacturing industries - food, beverage and tobacco processing - which added $25 billion to the economy in 2013–14 (25 percent of manufacturing GDP)[1]. As noted in the recent Australian Government Agriculture Competitiveness White Paper, fostering growth in export sectors such as agriculture is an important national economic strategy in the face of a slowing mining construction sector.

Agriculture is an important source of employment in Australia. More than 307,000 Australians are directly employed in agriculture, most of who live in, and maintain the viability of, rural communities. When agriculture-dependent sectors, such as food processing and distribution, are considered, Australian agriculture can be seen to provide the basis for the employment of more than 1.6 million Australians.

Agriculture is also an important feature of the Australian landscape. 53 percent of Australia's total land area is managed by agricultural businesses,[2] making Australian farmers important contributors to environmental management in Australia.

Grains production is Australia's foremost agricultural sector. In 2014-15, grain production was valued at more than $13.5 billion.[1] About 65 percent of production is exported annually, making grains Australia's largest agricultural export.

In addition to being a major export earner, the grains sector underpins Australia's domestic grain processing and livestock sectors. The outlook for our grains industry is promising with global demand set to increase, especially in key Asian markets such as Indonesia where rising middle classes are embracing western diets.

Introduction

A degree of regulation in agriculture is important to maintain minimum standards for society and the environment and enable market access. However, regulation in Australian agriculture as it currently stands is unduly complicated, duplicative and overly burdensome. As a result, we have a situation where agricultural productivity is being restricted by the compounding effects of regulation.

GrainGrowers welcomes this Productivity Commission inquiry into Regulation in Agriculture as an important step towards reducing regulatory burden in agriculture. The following sections cover a range of regulatory issues relevant to grain farming businesses. In developing this submission, GrainGrowers consulted directly with our grain farming members and GrainGrowers' National Policy Group, which includes elected representatives from each of the major growing regions in Australia.

GrainGrowers notes that the National Farmers' Federation (NFF) has prepared a submission to this inquiry from a broader agricultural perspective. As grains commodity member, GrainGrowers supports the NFF's submission.

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[1] ABARES 2016, Agricultural commodities: March quarter, Australian Bureau of Agricultural and Resource Economics and Sciences, Canberra

[2] ABS 2015, Land Management and Farming in Australia 2013-14, Australian Bureau of Statistics, Canberra

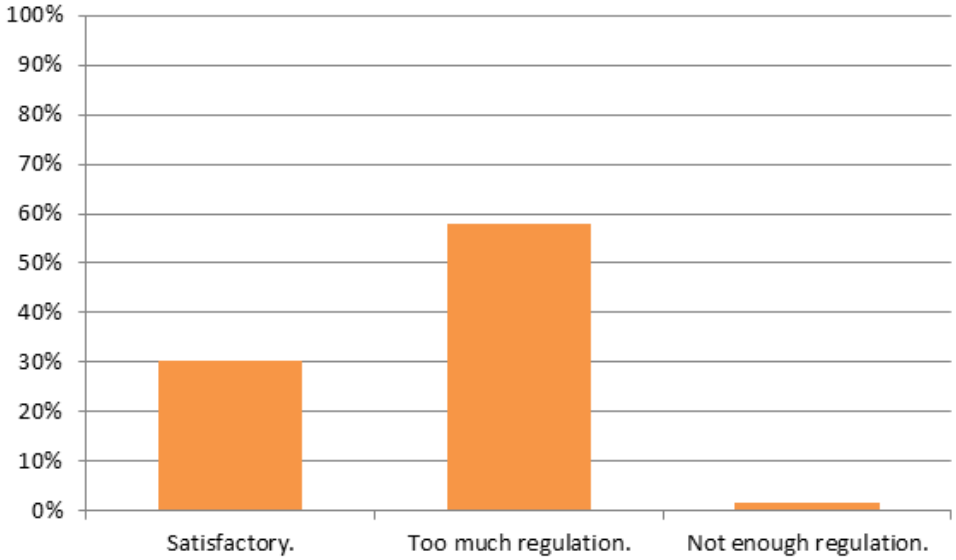
Government approach to regulation

Reducing and improving regulation has become a popular pursuit for both the Commonwealth and State and Territory governments in recent years since broad reform of regulation and competition was included as an important part of the Council of Australian Governments' (CoAG's) reform agenda for a "Seamless National Economy". At all levels of government, initiatives have been launched to "cut red tape" in order to improve private sector productivity and, thereby, strengthen the economy more broadly. These initiatives signal a cultural transition in the way the public service approaches regulation, whereby focus shifts from reducing burden on the bureaucracy at the expense of stakeholders to reducing the burden on stakeholders, which can sometimes increase the workload of the bureaucracy.

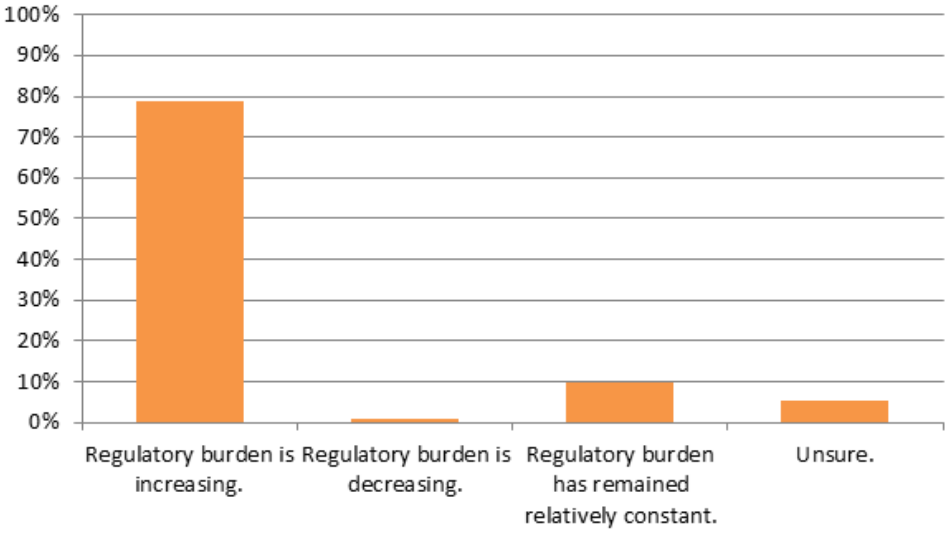
GrainGrowers welcomes this cultural shift as a positive development for grain farming businesses and recognises that it has led to some practical reductions in regulatory burden for the agricultural sector. For example, in July 2014 legislative amendments to significantly reduce regulatory burden in regard to agricultural chemical registration were made on the back of the Federal Government's deregulation agenda. These amendments prevented the coming into force of an impending legislative requirement for agricultural chemicals to be periodically re-registered to prove ongoing safety. The requirement would have imposed up to $8 million worth of addition costs on the agriculture sector per year, and compliance costs of agvet chemical companies would have been passed on to farmers. This is just one example of a win for farmers from the deregulation agenda.

Nonetheless, there remain numerous issues where the rhetoric of cutting red tape is yet to produce meaningful outcomes. As part of our preparations for this submission, GrainGrowers surveyed members for their views on regulation and red tape issues affecting their farming business operations. The survey attracted 533 responses, which is statistically representative of the Australian grain farming sector. Close to 60 percent of respondents signaled that there is currently too much regulation affecting their farm businesses compared with 30 percent who were satisfied with the current level of regulation and less than 2 percent who believed more regulation was needed. Furthermore, when asked about the trend in regulatory burden over time, an overwhelming majority of respondents (close to 80 percent) considered that regulatory burden is increasing. See graphs of results below.

What do you think of the current level of regulation affecting your grain farming business?



Which of the following best describes the trend in regulatory burden for grain farming businesses in recent years?



As our survey results demonstrate, red tape is a serious concern for Australian grain farmers. This submission identifies a number of the specific regulatory issues affecting Australian grain farming businesses. In line with GrainGrowers' solution-focused approach to grain farmer representation, practical recommendations are also provided to address each of the issues discussed.

Communication and compliance

Communication of regulatory requirements

Grain farmers must operate their businesses under a range of compounding regulations imposed by all levels of government. A key issue for farmers navigating the regulatory space is the lack of clarity around what regulations apply to different activities and how best farmers can work within their legal boundaries. The time spent attempting to work out regulatory requirements, including the many potential 'missteps' that can occur along the way due to misinterpretations or lack of knowledge, are themselves a form of red tape.

In line with the current inter-governmental momentum behind reducing red tape, more effort should be made to ease the burden on farmers to collate and understand the connectivity and practical consequences of the various regulations that apply to their businesses. Single points of contact are a sensible 'client-orientated' solution to this problem. The Australia Government previously had dedicated industry liaison officers who sat in the National Farmers' Federation (NFF) and acted as a single point of contact to assist the various farming sectors navigate matters of Federal regulation. This was a valuable service to streamline the Federal-level regulatory communication process for farmers. Unfortunately, the relevant Federal agencies (Agriculture, Environment and Immigration) cut funding for these positions and these services have not existed for farmers over the last few years.

GrainGrowers recommends that agricultural sector specific single points of contact, similar to the NFF industry liaison officers be reinstated, with an increased focus on communication of legal requirements across all portfolios. The re-establishment of agriculture, environment and immigration liaison officers would be a reasonable initiation of this approach, These points of contact should have a broad knowledge of the different regulatory frameworks applicable to the various agricultural sectors and the ability to forward enquiries on to subject matter experts wherever needed. It would be highly beneficial for these officers to also be well connected with state and territory authorities, with a general knowledge of how Federal regulations interact with state and territory laws. Wherever possible, the liaison officers should take it upon themselves to obtain the necessary information to assist farmers and avoid a situation where farmers are shunted from one government officer to another, thus confusing the matter and opening up the possibility of inconsistent messaging.

Recommendation

- Single points of contact should be established within industry peak bodies (such as the NFF) to clearly communicate the various regulatory requirements that apply to a farm business (including interactions between state/territory and federal regulations) and the practical ways that farmers can operate their businesses within regulatory bounds.

Compliance

The way to comply with regulations needs to be straightforward. Regulations also need to be designed in a way that accounts for exceptional circumstances. Regulation of the volunteer fire fighting response to recent fires in the Esperance and Yarloop regions of Western Australia are a good example of red tape that may require reform in this regard. While this is a specific state example, feedback from our members indicates that the issues raised are consistent with those experienced across the country and there are implications that should be considered at a national level.

Farmers (including grain farmers) often form the basis for local fire and rescue brigades. The recent Esperance and Yarloop fires in December 2015 and January 2016 were major

catastrophes that GrainGrower members have assisted in. Our members have also been involved in fighting many smaller blazes often involving national parks, conservation reserves and other Crown lands. In these situations, GrainGrowers has received feedback from members who are frustrated with the regulatory compliance burdens imposed on volunteer firefighters. Members are concerns that there has been a diminution of the interaction and cooperation between the former Fire and Emergency Services Agency (FESA) and its successor the Department of Fire and Emergency Services (DFES) in Western Australia. In addition, members have raised concerns that it is extremely difficult to access and deal with other agencies who are the controllers of these Crown Lands.

Specific complaints from growers in relation to the Esperance fires include:

- *A lack of fuel load minimization on crown lands*
  The reasoning for this is generally lack of money and staff to carry out such operations but the issue may also reflect that agencies are bowing to pressure from environmental groups opposed to controlled reduction burning. This is a statewide issue.

- *A refusal by managers of Crown land to allow local firefighters to enter Crown land to contain early stage fires*
  Members have reported that such refusals have made it more difficult to address fires in the early stages.

- *Prohibition of taking earth moving equipment into areas to cut fire breaks until equipment had been washed down and decontaminated to departmental standards*
  Members have complained that the delays associated with cleaning down equipment do not always seem justified in emergency situations where time is critical.

Some growers have also raised an issue with accessing properties immediately after a major fire has passed. Many landowners need immediate (even if restricted) access to their properties to feed, water and deal with livestock. However, this access is often not possible as authorities generally keep roads closed for some time. GrainGrowers is aware that the Western Australian Government is compiling a detailed spatial database of land owners and operators for the purpose of disease outbreak planning. It is possible that this database could also be used as a reference for assessing access requests from farm owners/operators who require early access back to their properties.

Recommendation

- Regulations impacting the ability of land owners and managers to assist in firefighting efforts should be reviewed in line with the issues raised by local grain farmers following bushfires to ensure efforts are not unduly hampered by onerous compliance requirements.
- Governments should consider possibilities for certain regulations to be eased in emergency situations, especially where the efficiency gains from easing those regulations (such as cleaning equipment) could translate into significant improvements in emergency response.
- Governments should consider ways that post-fire land access could be granted more quickly for farm managers (e.g. databases that exist for other purposes may assist in decision making).

Information requests

Every year, Australian grain farming businesses are requested to provide various government agencies with a range of information, often in the form of surveys. These surveys can range in length, requiring anywhere from less than an hour to an entire day to complete. Participation in most surveys is voluntary. However, the Australian Bureau of Statistics (ABS) has legislated authority to compel farmers to complete mandatory surveys within set timeframes. The following section describes the various information requests that governments send to grain farmers every year.

Types of information requests

The statutory Grains Research and Development Corporation (GRDC) requests farmers to complete a voluntary grower survey every second year to measure the level of grower satisfaction with GRDC's performance as an investor in grains research, and against a range of performance indicators that have been tracked over many years. Information is sought about the adoption of new grain varieties and new farming practices and technologies over the past five years, and the extent to which GRDC-specific activities have influenced on-farm practice change in these areas. GRDC states that it uses the survey results to improve services and find ways to deliver even greater value for growers.[3]

The GRDC also runs ad hoc surveys on an as needs basis. For example, the GRDC recently surveyed more than 1300 canola growers as part of a special project to assess the impacts of GM canola adoption. The survey examined adoption patterns; agronomic, economic and environmental impacts; and changes in attitude to the concerns regarding co-existence of GM and non-GM canola production systems.[4]

Many grain farmers are also captured under the Australian Bureau of Agricultural and Resource Economics and Sciences' (ABARES') requests to complete voluntary annual surveys including the Australian agricultural and grazing industries survey (AAGIS) and Australian dairy industry survey (ADIS). These two surveys cover detailed financial, physical and socioeconomic information for the broadacre and dairy sectors that contain around 68 percent of Australian farm businesses. Information gathered is presented in the publication Australian farm surveys results as well as in a range of industry publications such as Australian grains, Australian lamb, Australian beef and Australian dairy.

State government agencies also survey grain farmers. While there are no regular ongoing surveys from this level of government, grain farmers receive voluntary requests for information from state governments from time to time on an ad hoc basis. For example, the Victorian state government publishes monthly newsletters that provide seasonal climate and risk information for Victorian cropping regions. More than 2500 individuals subscribe to these newsletters, with 61 percent of subscribers identified as farmers (and 37 percent of these farmers identifying as predominantly grain producers). In 2007, 2008, 2010, 2011 and 2014, the Victorian State Government surveyed these subscribers to determine the utility of newsletter content for informing farm management and seek views on climate change.

The Australian Bureau of Statistics (ABS) is the only government agency with legislated power to mandatorily compel grain farmers to provide information. In any given year, grain

[3] http://www.grdc.com.au/About-Us/Corporate-Governance/GRDC-Grower-Survey-Results#sthash.tHxLmgvU.dpuf

[4] http://www.grdc.com.au/Resources/Publications/2014/03/GM-Canola-Impact-Survey#sthash.Vn6B2BxO.dpuf

farmers may be required to complete as many as three mandatory surveys, which can take up to a day to complete. Key ABS surveys affecting grain farmers include:

- Rural Environment and Agricultural Commodities Survey
    - Occurs annually, except for census years
- Land Management Practices Survey
    - Occurs biannually
- Agricultural Land and Water Ownership Survey
    - Occurs irregularly on an 'as needed' basis
- Agricultural Census
    - Occurs once every five years

Issues and regulatory burden

Questionable sampling

The ABS states that it selects participants for its surveys on a random basis in order to achieve statistically relevant data. However, some grain farmers have indicated to GrainGrowers that they receive so many surveys from the ABS every year, they are unconvinced that the ABS is selecting sample participants randomly. In a recent case brought to the NFF, one farmer expressed concern that information requests from the ABS may have been non-random, due to a survey officer indicating that the surveys were particularly focused on larger farm businesses.

Recommendation

- Government agencies need to better communicate sampling methods to participants and ensure that random selection occurs wherever possible to reduce the burden of requests being unfairly shouldered by a number of farmers with good participation records.

Excessive requests and tight deadlines

Some GrainGrowers members have raised concerns that the quantity of surveys they are being requested to complete for government are unreasonable in both number and the time required to complete each properly. GrainGrowers notes an example that was brought to the attention of the NFF recently, where a farm business had received four requests for information over three years, covering specific details of operations including off-farm financial information. The farmer estimated that a full day was needed to complete each of these surveys.

The ABS generally only allows 14 days from the date of information request, which can be unrealistic in some rural areas where mail is not delivered daily. Furthermore, the ABS still relies on posting hard copy surveys to farmers and requires manually completed responses to be returned to the ABS by postal service. Given the level of digital/online technology currently available, it is baffling that the ABS still does not provide farmers with options to receive complete and return surveys online. Certainly, the regulatory burden of a 14 day turn around for surveys could be reduced if farmers were able to complete surveys online, with some parts pre-filled to avoid re-entering information each time.

On top of the daily work load and priorities associated with operating farming businesses, these requests can impose a significant stress on individuals. When efforts have not been made to utilize technology and thereby reduce the burden associated with completing

surveys, it is understandable that many grain farmers are frustrated by the multiple information requests that they receive.

Recommendation

- Government agencies should reduce the time required to complete information requests (e.g. through concise wording and limited questions), especially in the case of mandatory requests.
- Government agencies should review the timeframes granted to farmers to complete information requests, especially in the case of mandatory requests. In particular, the ABS should increase its standard deadlines.
- Information requests should be made in multiple formats (incl. email and hardcopy) to ensure farmers become aware of requests and deadlines as soon as possible.

Duplication

A common complaint for farmers is the inability of governments to share information internally, and across jurisdictional boundaries. Even within agencies, farmers and industry representative bodies have to provide the same data numerous times to various bureaucratic silos. Farmers are always looking to ensure the data they collect in their business is done in an efficient manner and only collected when it serves a valuable purpose, and they expect government agencies to do the same.

Targeting and communicating importance of requests

Part of the frustration of grain farmers in regard to government information requests may be attributed to a lack of understand as to why the request has been made. Without proper explanation, an information request may be perceived as more or a burden than it would be given an understanding of benefits that participation will confer onto industry and/or society. Targeting is also an important consideration. With well-planned targeting, the number of farmers receiving requests for information that are not relevant to them could be reduced.

Recommendation

- Government agencies work collaboratively to share information internally and reduce collection burden on farmers.
- Data collection agencies should improve consultation with industry to explain the information they are seeking and take advice on the best approach on how to obtain it.

National Agricultural Statistics Review

In 2007, the Productivity Commission recommended that improved coordination between ABARES and other Government agencies in collecting farm data could reduce the time spent by farmers completing surveys[5]. Limited progress was made by governments to address this recommendation until 2013, when the ABS and ABARES commenced a National Agricultural Statistics Review (NASR). The NASR sought to identify opportunities to improve the agricultural statistics system and develop a framework for ongoing assessment, coordination and governance of information needs into the future.

[5] Annual Review of Regulatory Burdens on Business: Primary Sector, Productivity Commission, 2007 http://www.pc.gov.au/__data/assets/pdf_file/0018/74115/primarysector.pdf

In 2015, the ABS and ABARES released a final report from the NASR. A key issue identified during the review process was the need to manage the red tape burden on respondents (primarily farmers) resulting from survey activity. Other issues identified related to a range of data quality issues including relevance, timeliness, accuracy, coherence and accessibility. The final report identified the following actions to be undertaken by the ABS and ABARES to reduce regulatory burden and improve data quality:

- better coordinate government statistical collection activities; encourage the exploration of alternative data sources; improve survey form design; make better use of electronic forms; improve the integration of existing statistical collections; improve the value for respondents of participation in survey programs through partnerships with industry and returning results to participants in a usable and useful format
- encourage and support other organisations to use best practice respondent engagement methods when conducting surveys, through providing technical advice, frameworks and ready access to best practice concepts, principles, practices and tools
- adopt new and emerging technologies wherever possible to improve the cost effectiveness and efficiency of collecting, managing, analysing and disseminating statistical data.

GrainGrowers supports the intentions of the NASR recommendations. However, the real test will be in whether or not they lead to practical actions that affect meaningful systematic change for the benefit of farmers. To date, GrainGrowers members are yet to see any meaningful change from this process.

ABS has indicated that it is making the following changes to the Agricultural Census to address recommendations arising from the NASR and to support the directions of the ABS Transformation Program:

- aligning the content of the Agricultural Census to the Enduring Goals for Australian Agriculture framework (developed through the NASR to represent the ongoing strategic information needs of the agricultural industry) to ensure it supports the highest-priority strategic information needs of the sector;
- updating the scope of the collection to better align with contemporary definitions of an agricultural business and to reduce the burden on small businesses while still capturing the majority of agricultural activity;
- further leveraging the benefits of web-form technology to reduce the reporting burden on providers, improve the provider experience and improve the efficiency of data collection;
- working with stakeholders to identify and use alternative data sources, including administrative data, to improve the quality of Agricultural Census data, including the Agricultural Census frame and to assist with reducing respondent burden; and
- improving the timeliness of outputs through the change in scope and through efficiencies achieved by the use of the improved web-form, with the first release of data expected to be up to 6 months earlier than the 2010-11 Agricultural Census.

The ABS and ABARES should continue to provide industry with regular updates on their progress towards achieving reduced regulatory burden for Australian farmers, along with improving the data sets available of Australian agriculture to inform decision makers.

Recommendation

- The ABS and ABARES should provide industry with regular updates on their progress towards achieving reduced regulatory burden for Australian farmers.

Transport

Oversize machinery and interstate grain transport

Transporting grain is an important undertaking for grain farming businesses, especially as many farms are located significant distances from ports and major storage facilities. Transporting grain from the farm gate to port incurs costs equivalent to 30 percent of the FOB grain value.[6] Costs and regulatory burden associated with grain transport therefore impact on the competitiveness of Australian grain exports and it is important to consider ways in which this area can be improved.

In our recent survey of members, regulations surrounding grain transport were the most consistently raised issue that grain farmers would like addressed. In a comments section that received 233 individual responses, 55 comments directly identified problems with grain transport regulations that negatively impact on the operation of their farming businesses. Many of these comments related to regulations on oversize machinery and securing loads, with comments stating that the regulations are too onerous and that there are unworkable inconsistencies in regulations between states that make it difficult to transport grain or oversize machinery across state borders. In particular, members have identified that gazette roads are often problematic, especially when they are not gazetted for the final few kilometers into a storage provider's facility, with some farmers being fined by overzealous enforcement officers in that space. Many comments also referred to difficulties in registering farm tractors and machinery and obtaining railway crossing permits for oversize equipment. A selection of relevant grain farmer comments is provided below.

"New regulations for trucks in Queensland regarding weights and widths mean previously legal trucks and trailers are now illegal"

"Movement of agricultural machinery in agricultural areas: too much red tape to move short distances along or across minor roads in farming areas."

"Need uniform laws between states regarding oversize loads."

"Trucks: Two trailer road trains need to be classed 'general access' to enable us to improve our productivity."

"Problems: restrictive oversize machinery movement; also, shutting down harvest at Christmas and not allowing harvester movements during that time."

"[Problems:] ability to move oversize machinery on back roads, dirt roads at night with very low traffic density"

[6] Stretch, T. Carter, C. and Kingwell, R. 2014, The cost of Australia's bulk grain export supply chains: An information paper.

"[We need to] nationalise all the roads [and] get rid of the RMS in NSW and VIC roads. It's a nightmare moving oversize machinery around and registering [with] so many different regulations."

"[We need to] get uniform freight regulations across the nation."

"Trucking regulations from state to state are ridiculous and inefficient. We need national rules."

"Issues moving oversize machinery between farms and the lack of detail on what is and isn't legal. Also, ad hoc enforcement by the RMS in NSW."

Tractor registrations - originally supposed to be one off charge now has to be every year

There is scope to improve regulations around oversize machinery and transport of grains, especially over state boundaries. Grain farmers are looking for flexible, sensible approaches to farm machinery regulations that do not unduly hinder efficient farming operations. In particular, regulations on oversize equipment, secure loads, access and registration need to be harmonized across the states to allow grain farmers to transport grain and move equipment across state borders with ease. Such harmonization fits well within COAG's agenda to cooperatively reduce regulatory burden through streamlining regulatory requirements across different governments. The establishment of the National Heavy Vehicle Regulator has been troublesome, particularly regarding different approaches by various compliance and enforcement bodies. GrainGrowers recommend that an independent review is undertaken of the National Heavy Vehicle Regulator and more broadly the current situation of road and transport regulations in Australia, with the view to streamlining (reducing) regulatory requirements and improving the ease of compliance.

Recommendation

- An independent review to be undertaken of the National Heavy Vehicle Regulator, and more broadly the current situation of road and transport regulations in Australia with the view to streamlining regulatory requirements (e.g. through uniform wide load laws) and improving the ease of compliance.

Biotechnology

Biotechnology in Australia

At present, canola and cotton are the only commercially grown Genetically Modified (GM) crops in Australia. Adoption of GM cotton varieties has been strong – driven by significant benefits associated with the technology, more than 99% of planted cotton in Australia is GM. Compared with worldwide trends, adoption of GM canola in Australia has been modest. By 2015, the area of GM canola planted in Western Australia had reached approximately 30% of

total canola plantings, with Victorian and New South Wales plantings equating to approximately 13% and 11%, respectively.[7]

Uptake of GM canola is limited by estimated economic pay-offs and regulatory restrictions. However, there is evidence that having the option to grow GM canola benefits Australian grain farmers. For example, a 2014 Grains Research and Development Corporation report, which drew upon data from more than 1300 grower surveys, found that compared with non-GM counterparts, GM canola growers achieved more effective weed control, reduced overall pesticide use and improved farming practices (such as enhanced conservation tillage), lower risk of herbicide resistance developing and a lower environmental footprint.

Field trials have been (and continue to be) undertaken for a range of GM crops in Australia including wheat, barley, safflower and canola. GM traits being observed in these field trials include nutrient use efficiency, abiotic and biotic stress, grain quality and modified oils such as super high oleic and Omega 3. The horizon for commercial release of some of these crops and traits in Australia is 2018.

Scientific assessments of GM crop risks

A substantial academic literature base has emerged on the environmental and health aspects of GM crops over the past two decades since they were commercialised internationally. This literature demonstrates that many of the risks perceived during the early stages of GM crop commercialization have not been realized. For example, in regard to consumer health risks, literature reviews of long-term, multigenerational animal feeding trials[8] and data collected from 1983 through to 2011[9] confirm that there is no significant difference in the safety or nutritional value of GM food or the animal products of livestock fed GM feedstuffs compared with non-GM equivalents. In regard to environmental risks, a *Nature* literature review found that there was "no compelling scientific arguments to suggest that GM crops are innately different from non-GM crops" in regard to effects on the environment, including invasiveness, and that the risk of transgenic DNA passing into nature and causing environmental damage is negligible[10].

In addition, there is strong evidence to suggest that adoption of GM crops has benefited the environment and biodiversity by associated reductions in pesticide use and increased adoption of conservation tillage[11], which both contribute to a reduction in greenhouse gas emissions[12], as well as associated adoption of less toxic herbicides[13] and increased yields which reduce the need to expand agricultural land into areas that would otherwise harbor

[7] http://www.abc.net.au/news/2015-06-23/monsanto-gm-canola-victoria/6567360

[8] Snell, C., A. Bernheim, J.-B. Bergé, M. Kuntz, G. Pascal, A. Paris and A. E. Ricroch (2012). "Assessment of the health impact of GM plant diets in long-term and multigenerational animal feeding trials: a literature review." Food and Chemical Toxicology 50(3): 1134-1148.

[9] Van Eenennaam, A. and A. Young (2014). "Prevalence and impacts of genetically engineered feedstuffs on livestock populations." Journal of animal science **92**(10): 4255-4278.

[10] Dale, P. J., B. Clarke and E. M. Fontes (2002). "Potential for the environmental impact of transgenic crops." Nature biotechnology 20(6): 567-574.

[11] Ammann, K. (2005). "Effects of biotechnology on biodiversity: herbicide-tolerant and insect-resistant GM crops." TRENDS in Biotechnology **23**(8): 388-394.

[12] Brookes, G. and P. Barfoot (2014). "Key environmental impacts of global genetically modified (GM) crop use 1996–2012." GM Crops and Food: Biotechnology in Agriculture and the Food Chain **4**(2): 109-119.

[13] Kleter, G. A., R. Bhula, K. Bodnaruk, E. Carazo, A. S. Felsot, C. A. Harris, A. Katayama, H. A. Kuiper, K. D. Racke and B. Rubin (2007). "Altered pesticide use on transgenic crops and the associated general impact from an environmental perspective." Pest management science **63**(11): 1107-1115.

biodiversity and deliver valuable ecosystem services in order to meet the increasing food demands of the growing global population[14][15][16][17].

GM regulation in Australia

Inconsistent and unjustified state and territory regulation

Regulation of GM technology is an ongoing issue for the Australian grains industry. While the Office of the Gene Technology Regulator (OGTR) provides national regulatory oversight of GM crop trials and commercialization, state and territory governments contribute additional layers of inconsistent and, in some cases, unjustified regulation to Australia's GM regulatory framework. See Appendix A for details of the legislation and regulations that exist across the federal and state/territory governments of Australia.

The additional state-based regulations/moratoria on GM grain crops initially arose in response to concerns regarding the grain and oilseed industry's ability to co-manage supply chains and deliver market choice where both GM and non-GM crops coexisted. The introduction of regulations/moratoria in all states but Queensland the Northern Territory therefore signified a shift from governments supporting industry self-management of market access issues, to an interventionist approach based on concern about marketing issues.

The concept of market choice, within the context of GM crops in Australia, has evolved significantly following the imposition of these state regulations/moratoria. The Australian grains industry recognises that choice is a priority across the supply chain and that all customers, from farmers to consumers, should have the ability to use or access the products of their choice. The grains industry agrees that it needs to maintain a robust traceability framework and other measures to track GM products through the supply chain (thereby, facilitating consumer choice between GM and non-GM food) and to ensure that growers can choose to produce GM crops without impinging on the ability of other producers to access GM-sensitive markets.

In the mid-2000s, the grains industry worked to address the supply chain and market access concerns upon which state and territory regulations/moratoria were based. The industry collaborated to develop a framework that detailed the criteria required to be in place to ensure supply chain integrity and market choice in an environment where GM and non-GM canola supply chains coexisted. Following extensive consultation, in 2006 the grains industry delivered a report entitled '*Delivering market choice with GM canola*'. The report described the industry's capacity to manage GM canola and deliver market choice. In preparing the report, the canola supply chain's protocols and processes, the technical principles and practices, and the requirements of the marketplace, were scoped and evaluated against the criteria established by the grains industry. The report confirmed that the grains industry supply chain has the protocols, practices and processes either in place or available to manage GM and non-GM canola.

[14] Godfray, H. C. J., J. R. Beddington, I. R. Crute, L. Haddad, D. Lawrence, J. F. Muir, J. Pretty, S. Robinson, S. M. Thomas and C. Toulmin (2010). "Food security: the challenge of feeding 9 billion people." Science **327**(5967): 812-818.

[15] Tester, M. and P. Langridge (2010). "Breeding technologies to increase crop production in a changing world." Science **327**(5967): 818-822.

[16] Carpenter, J. E. (2011). "Impact of GM crops on biodiversity." GM crops **2**(1): 7-23.

[17] Mannion, A. and S. Morse (2013). "GM crops 1996-2012: a review of agronomic, environmental and socio-economic impacts." University of Reading Geographical Paper(195).

While the report focused on the introduction of GM canola, it also provided a framework for the development of an industry-wide approach to working with technology developers, regulators, governments and the supply chain in relation to other GM crops/products that may come to market in the future.

In response to the *Delivering market choice with GM canola* report, a number of state governments initiated reviews of their respective GM canola moratoria. These reviews led to the removal of the moratoria and the subsequent commercial release of GM canola in Victoria and New South Wales in 2008 and in Western Australia in 2010. Moratoria preventing the growing of GM canola continue in South Australia and Tasmania.

GrainGrowers recognises that responsible and strategic utilisation of biotechnology can boost on-farm productivity and profitability, with flow-on benefits to the environment, society and the economy. Appropriate governance frameworks are required to ensure that GM adoption is in the best interest of farmers and consumers equally, as well as the broader community; protect farmer-choice; and manage intellectual property rights associated with GM technology.

Any restrictions imposed on GM crop products should be scientifically grounded and not be so onerous as to make growing GM crops unfeasible. In this regard, positive developments are occurring within the GM crop regulatory space. For example, the Western Australian State Government has announced that the state's *Genetically Modified Crop Free Areas Act 2003* will be repealed prior to the state election in March 2017 (note, the Act would actually need to be repealed by November 2016 to achieve this).

However, the continuing moratoria in South Australia and Tasmania ignore both the extensive scientific evidence on the risks of GM crops and the proven capacity of the Australian grains industry to self-manage market access and transparent supply chain separation of GM and non-GM products. GrainGrowers has received feedback from members that these moratoria are negatively impacting grain farmers. For example, in Tasmania one canola growing family who owns a cold press canola oil plant was unable to obtain canola seed to replant after a crop failure due to there being no seed in the state. The reason for the lack of seed was discovered to be due to the 0.1% GM contamination threshold for non-GM seed imports to the state. The regulatory burden of proving seed meets this low threshold is so onerous it is now preventing the movement of non-GM seed into Tasmania. The unworkable threshold has proved to be a disincentive for seed companies to invest in and supply the Tasmanian grains market and one major seed company recently pulled out of the state for this reason.

The moratoria in South Australia and Tasmania need to be reviewed and removed if evidence-based justification cannot be provided for their continuation.

Recommendation

- South Australia and Tasmania should review and justify their respective moratoria on GM crops, acknowledging the scientific consensus on associated risk and the proven capacity of the Australian grains industry to self-manage market access and supply chain segregation, thereby giving farmers choice to grow GM or non-GM products as the market demands.
- GM regulation should be considered by CoAG as an area for cross-governmental collaboration with the view to establishing a nationally consistent, scientifically grounded regulatory framework.

Classification of next generation technology

Since the original introduction of GM techniques such as mutagenesis, double - haploids and hybridization, new technologies include targeted mutagenesis, (site-specific and targeted changes in the genome), introduction of new genes (cisgenesis and intragenesis) or gene silencing. Agrobacterium transformation is then used for the selection of plants expressing the specific traits being sought.

The new technologies show advantages when compared to 'older' techniques:

- For many of the older techniques the genetic information coding for the desired trait is only transiently present in the plants or stably integrated only in intermediate plants. Therefore, the commercialised crop will not contain the desired trait.
- The second driver for the adoption of modern plant breeding techniques is its economic advantages. The use of new plant breeding techniques makes the breeding process faster which lowers production costs. For example, cisgenesis uses the same gene pool as conventional cross breeding, but is much faster as it avoids the many steps of back-crossing to produce a plant that has stable expression of the new trait.

Biotechnology companies and plant breeders are particularly concerned about the legislative uncertainty of the GMO classification of new plant breeding techniques. Regulatory costs for plants classified as GMOs are much higher than those for the registration of non-GMO plants, and public acceptance is lower.

Therefore, the legal status of the new plant breeding techniques (i.e. whether they are deemed GM or non-GM) will influence the decision on whether to use these techniques only for the introduction or modification of traits in crops with very high value or more extensively for a broad range of applications, and therefore will be of specific importance for small and medium enterprises.

The grain and seed industries through international groups such as International Seed Federation (ISF) and International Grain Trade Coalition (IGTC) are encouraging Governments to not differentiate crops developed through new breeding techniques if they are similar to or indistinguishable from products developed through conventional breeding techniques. It has also been proposed that an ANNEX on Risk Assessment is developed by CODEX similar to the Codex Annex on Risk Assessment of GM events seeking approval.

These next generation technologies have great potential to deliver significant economic benefits to the Australian grains industry through productivity gains and an improved capacity to adapt to changing environmental conditions. GrainGrowers supports the position of the ISF and IGTC and notes that these next generation technologies are essential to the Australian Government's innovation agenda.

Recommendation

- The Australian Government must ensure that new technologies are not unduly classified under the same regulatory restraints as traditional GM technologies.

Organic standards

Domestically marketed organic products are commonly certified by one of Australia's six private certifiers who base their certification standards on the National Standard for Organic and Biodynamic Produce Edition 3.4 July 2009 (the export standard which is also referred to

as the National Standard) used by the Australian Government Department of Agriculture for export certification. This voluntary standard was developed by Standards Australia through a technical committee comprising organic stakeholders, including certifiers, retailers, manufacturers, consumer groups and government agencies.

The benefits GM could provide organic growers may never be realised as section 1.3 of the National Standard for Organic and Bio-Dynamic Produce expressly prohibits the use of GM products. Given the weight of scientific evidence demonstrating that the risk posed by GM products to health or the environment is no different to that of equivalent non-GM products, the Australian Government Department of Agriculture (which serves as a contact point for issues concerning domestic organic policy matters) should work with the peak body for the organic industry in Australia, Organic Federation of Australia, to revise the National Standard. The National Standard should be scientifically grounded and should, therefore, not exclude GM products from being eligible for organic status.

Another issue with the National Standard stems from the zero tolerance of GMO presence, even when these GMOs are safe and approved by OGTR. Zero tolerance is an unworkable benchmark that refuses to recognise the need for organic and GM crops to coexist. The threshold has led to serious issues, as demonstrated by the recent and unfortunate case of Marsh v Baxter [2014] WASC 187 (CIV 1561 of 2012). The National Standards should be revised to replace zero tolerance with a more workable and scientifically grounded tolerance level. This will encourage good will between organic and conventional farmers and allow for effective coexistence of GM and non-GM products through the supply chain.

Recommendation

- The Australian Government Department of Agriculture (which serves as a contact point for issues concerning domestic organic policy matters) should work with the organic industry to revise the National Standard. The National Standard should be scientifically grounded and should, therefore, not exclude GM products from being eligible for organic status.
- The National Standards should be revised to replace zero tolerance with a more workable and scientifically grounded tolerance level.

Taxation

Fuel tax credit scheme

Rebates for fuel excise are a long-standing feature of Australia's tax system, existing in various forms for diesel since 1957. The rebate scheme has continuously evolved over time until in 2006 the Fuel Tax Credits Scheme (FTCS) was introduced. The *Fuel Tax Act 2006* broadened the criteria for claiming fuel tax credits by cancelling the urban-rural boundaries that previously applied and extending the rebate to lighter fleets.

Under the current FTCS, the government provides a rebate of the excise and customs duty paid on diesel and like fuels purchased for specific off-road uses – mainly in the mining, agriculture and other primary production industries. The rebate is generally payable on diesel fuel and like fuels used in the following activities:

- primary production – forestry, agriculture and fishing (use of a road vehicle on a public road is not eligible)
- mining operations
- businesses where there is no ready access to a commercial supply of electricity
- rail transport, and marine transport.

The process whereby credits are claimed by businesses through the BAS was only introduced to improve administration. The government introduced the rebate system because it is more efficient to charge all users the same upfront price for fuel and then have eligible users claim back the excess excise than to have the complexity and integrity issues involved in a certificate system in which eligible users aren't charged excise at the pump.

GrainGrowers strongly supports ongoing maintenance of the Fuel Tax Credits scheme as a means for minimising business input costs and avoiding distortion of investment decisions. There are, however, a range of amendments that could be made to reduce the compliance burden on claimants. These include:

- Moving the rebate to point of sale rather than delayed through the BAS process,
- Providing greater clarification and reducing complexities in regard to calculating percentages
- Reducing complexity for contractors who spend time on-farm and also on public roads
- Aligning fuel tax indexation with BAS periods, rather than on 1 February and 1 August (A major compliance burden occurred with the last indexation on 10 November 2014, with businesses having to undertake multiple calculations during the middle of harvest; this must be taken into account for the next indexation in 2016).

Recommendations

- Amend the Fuel Tax Credits scheme to reduce the compliance burden on claimants by:
  - Moving the rebate to point of sale rather than delayed through the BAS process,
  - Providing greater clarification and reducing complexities in regard to calculating percentages
  - Reducing complexity for contractors who spend time on-farm and also on public roads
  - Aligning fuel tax indexation with BAS periods, rather than on 1 February and 1 August.

Foreign investment

GrainGrowers supports foreign investment in Australian agriculture and recognises the important role it has played and will continue to play in a vibrant agricultural supply chain. Overall, foreign investment has had a positive impact on the Australian grains industry, providing significant capital injections across the supply chain and assisting some farmers to sell their assets and retire.

GrainGrowers recognises a balance must be struck between ensuing incoming investment is thoroughly screened to determine whether it is in the national interest, and too much regulation on such investment acting as a deterrent. GrainGrowers has identified opportunities to improve the Foreign Investment Review Board (FIRB) procedures and deliver better outcomes for Australian agriculture.

Improving transparency

GrainGrowers understands that there are legal limitations on the ability of FIRB to be transparent in regard to specific decision making details for each foreign investment application. Much of the information contained in applications upon which decisions are made is commercially sensitive. The FIRB is required to respect the privacy and

confidentiality of personal and commercial information that is provided by applicants in accordance with relevant legislation, including the *Privacy Act 1988* and the *Public Service Act 1999*.

Confidential information cannot be made available to non-government stakeholders unless it is required by law or the applicant has consented. The *Freedom of Information Act 1982* provides criteria to determine whether particular documents or parts of documents are available or exempt from release. These include, for example, that the document contains commercially sensitive information where its release would cause harm to its provider.

There is a level of transparency currently provided in FIRB's annual reports. However, GrainGrowers recommends that the sections on agriculture in these reports be expanded. For example, the report gives aggregated details of the level of investment in real estate by state, but doesn't give by-state data on agricultural investment. Further aggregated details on the types of agriculture that are being bought into would also be useful for industry and shouldn't raise confidentiality concerns. This information would not be difficult to obtain following the development of *Register of* Foreign *Ownership* of Agricultural *Land and Water,* which makes aggregated details on the types of agriculture that are being bought into available. Providing more information on agriculture in the annual reports may also assist in alleviating public concerns/misconceptions on foreign investment in agriculture.

Recommendations

- The sections on agriculture in FIRB's annual reports should be expanded to include by-state data on agricultural investment. Further aggregated details on the types of agriculture that are being bought into should also be included.

Labor

Workplace Health & Safety

Navigating the regulations around Workplace Health & Safety (WH&S) is a difficult endeavor for many Australian grain farming businesses. To ensure proper compliance, farmers must be familiar with the *Work Health and Safety Act 2011* and all associated material, including 23 Codes of Practice, 46 pieces of Guidance Material and 29 fact/information sheets. The sheer quantity of information can be overwhelming for small farming businesses, and farmers often struggle to maintain up-to-date knowledge of all WH&S requirements.

GrainGrowers received a number of comments from members, identifying WH&S regulations as a red tape issue for their farming businesses. WH&S regulations as they currently stand are hindering small farming businesses, as there is simply too much information to stay on top of and the penalties for non-compliance are so severe in some cases it disincentives farming businesses from employing staff, with negative implications for productivity and local economies. GrainGrowers supports the content on WH&S provided in NFF's submission and agrees with NFF's corresponding recommendations.

Recommendations (as per NFF)

- Create a separate, simpler work health and safety regime for small business.
- Review the penalties regime in the WHS Act and remove any penalties that are disproportionate to the offence.

Overseas workers

The seasonal nature of grain production and its location in rural and remote areas of Australia often makes it difficult to attract and retain Australian workers. Overseas workers (especially backpackers on working holidays and foreign workers temporarily in Australia to support a better life in their home country) play a key role in fulfilling the seasonal labor needs of Australia's grain farming sector.

GrainGrowers supports the relevant content provided in NFF's submission on overseas workers and migration laws and agrees with NFF's corresponding recommendations.

Recommendations (as per NFF)

- Change the 457 visa program by allowing the Consolidated Skilled Occupations List to be varied to reflect new skilled occupations
- In regions and /or industries where there is a demonstrated labour shortage (for example, regions eligible for the Seasonal Worker Program), remove labour market testing requirements.
- Re-establish the position of Immigration Liaison Officer within the NFF.

Environmental regulations

Agriculture is an important feature of the Australian landscape. 53 percent of Australia's total land area is managed by agricultural businesses,[18] making Australian farmers important contributors to environmental management in Australia. In making decisions about land management, including land use change, farmers are faced with a number of environmental restrictions, often limiting their ability to put in place practices which may ultimately deliver improved ecosystem services from the natural resource base.

GrainGrowers surveyed members in preparation for this submission. Environmental law, especially in regard to land clearing and native vegetation, was one of the most consistently raised issues in a section of the survey where members were asked to share examples of regulatory issues that they would like to see addressed. The messaging in comments generally centered on environmental regulations being too restrictive, illogical and overlapping/duplicative. Members also raised concerns with how environmental regulations are enforced, including problems with some farmers getting away with non-compliance. Some extracts from the survey are provided below.

"I was prevented from expanding my grain farming by state government rules, so much so that I was slowly going broke. Meanwhile the next door farm was sold and immediately cleared. I then sold my farm to another next door neighbour who is now progressively clearing the place to expand grain growing. This is clearly very unfair. Neither people bothered to get permission, but because I had contacted the authorities, I am disadvantaged."

"Restrictive laws causing major loss of production and higher costs."

[18] ABS 2015, Land Management and Farming in Australia 2013-14, Australian Bureau of Statistics, Canberra

"Land clearing laws prevent us from farming virgin which is forcing farmers to keep on cropping the same paddocks instead of having a pasture rotation which would be much more sustainable and productive long into the future."

GrainGrowers supports the content on environmental regulations in NFF's submission. While some efforts have been made to reform the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), there remains problematic overlaps and duplication in the environmental framework (including Federal, state and local government restrictions) that grain farming businesses operate in. GrainGrowers supports the recommendations made in NFF's submission on this issue, which are provided below.

Recommendations (as per NFF)

- Streamline the implementation of Commonwealth and State environmental legislation by ensuring that "one-stop-shops" for environmental approvals encompass those activities relevant to the agriculture sector.
- Continued harmonisation of the list of protected matters to reduce confusion over state/territory and Federal Government legislation and overcome the confusion around geographic coverage, scientific definitions and thresholds for significant impact.
- Develop a quick, low cost method to appraise proposals to indicate whether a proposed activity is likely to require referral to support regulatory compliance and reduce costs for applicants and government.
- Ensure that environmental regulations (including lists of significant matters) are subject to periodic comprehensive review to ensure that the list reflects contemporary scientific understanding and information and that new listings are subject to appropriate analysis of regulatory impact.
- Re-establish the position of Environment Liaison Officer within the NFF.

Competition

Bulk Wheat Export Code of Conduct

The Australian grains industry continues to evolve following deregulation through abolition of the single desk marketing system in 2008. Introduction of the Port Terminal Access (Bulk Wheat) Code of Conduct in 2014 was a significant milestone in the deregulation of the wheat export industry.

GrainGrowers made a submission to the Australian Government during consultation on the regulatory impact of the code. GrainGrowers is pleased that the government acted in line with the recommendations of this submission.

Under the code, port terminal service providers are able to formally apply to the ACCC for exemption from parts 3 to 6 in relation to a specified port terminal facility. Exempt service providers face a lower level of regulation as they remain subject to only parts 1 and 2 of the Code.

Since the code was introduced, the ACCC has provided a number of exemptions for bulk wheat export terminals that it has deemed to be subject to satisfactory competitive restraint. The table below shows the current exempt/non-exempt status of all bulk wheat export terminals.

Exempt port terminals		Non-exempt port terminals	
Operator	Location of port	Operator	Location of port
CBH	• Albany • Esperance • Geraldton • Kwinana	Viterra	• Thevenard • Port Lincoln • Wallaroo • Port Adelaide • Port Giles
GrainCorp	• Newcastle • Geelong • Port Kembla • Brisbane	GrainCorp	• Portland • Mackay • Gladstone • Fisherman Island
Emerald	• Melbourne	Patrick	• Port Adelaide*
Newcastle Agri Terminal Pty Ltd	• Newcastle		
Qube Holdings Limited	• Newcastle		
WAPRES	• Bunbury		
Queensland Bulk Terminals	• Brisbane		
Quattro	• Port Kembla		

* note: Patrick has an agreement in place to stevedore wheat at Port Adelaide for Cargill. Patrick was unable to apply for exemption from the Code until the operational and contractual arrangements with Cargill's were finalised on the 6th January 2016. On 25 Februrary 2016, the ACCC released a draft determination to exempt Patrick's port facility from the code.

This vision for a competitive industry, with multiple operators, is best realised through the ability of the ACCC to adapt its regulation to a changing environment. GrainGrowers will continue to provide advice to the ACCC wherever appropriate to assist in the assessments of competitive restraint in grain export port zones.

GrainGrowers recommends that the Australian Government and ACCC maintain continued evaluations to ensure a competitive environment for grain traders.

Recommendation

- The Australian Government and ACCC should continue evaluations to ensure a competitive environment for grain traders.

Conclusion

As this submission has demonstrated, Australian grain farmers must navigate an array of regulations in the course of operating their farming businesses. A degree is regulation is necessary and welcome. However, this submission has provided a number of examples where regulations are overly complex, burdensome, duplicative and/or inconsistent. This submission has also drawn attention to more positive examples of regulation, such as the port access code of conduct where continuation of the *status quo* is recommended.

This submission is not exhaustive and GrainGrowers acknowledges that there are numerous other potential regulation reforms that could benefit Australian grain farmers. In this regard, GrainGrowers reiterates its full support for the National Farmers' Federation submission to this inquiry. The NFF submission recommends that the Productivity Commission should undertake farm case studies in its progression of this inquiry. GrainGrowers fully supports this recommendation. The divide of knowledge and context between government officials and farmers means that governments are often not fully aware of the practical implications that regulations have on farms. Through utilizing case studies of farms across a variety of commodities, including grains, the Commission would have a good opportunity to gain a deeper knowledge of red tape in agriculture and potential ways to improve implementation and outcomes for the farm sector. Should the Commission wish to pursue s case study approach, GrainGrowers would be happy to utilise its extensive grain farming network to assist the Commission.

Regulations around agriculture need to align with the long term objectives of the industry. To remain competitive, Australian agriculture needs to do more with less – we need to produce more and produce smarter. Any regulatory reform that assists in reducing the costs of production and getting commodities to market will therefore greatly benefit the sector. GrainGrowers welcomes the Australian Government's commitment to building an economy with agriculture as a key pillar and encourages the government to continue working with farmers to improve the regulatory framework and interface through which farmers and government interact.

Appendix A – GM crop legislation/regulation

Jurisdiction	Legislation/ Regulation of GM Crops	Approved GM Grain Crops	Year for Legislation Review
Federal	*Gene Technology Act 2000* Empowers the Office of the Gene Technology Regulator (OGTR) to review and license GM crops for field trials and commercialization. Reviews are based on social/environmental risk assessment.	Canola	2016
New South Wales	*Gene Technology (GM Crop Moratorium) Amendment (Postponement of Expiry) Bill 2011* Blanket Moratorium on all GM Crop. However, allows for ministerial exemptions for specific OGTR-approved crops.	Canola (grown commercially in NSW since 2008)	2021
Victoria	*Control of Genetically Modified Crops Act 2004*. Allows the Minister to make Orders prohibiting the growing of GM Crops.	Canola	No expiry or review provisions within the Act itself.
Queensland	No State legislation.	Canola (as per federal legislation)	N/A
Tasmania	*Genetically Modified Organisms Control Act 2004*. Provides for a moratorium on the commercial cultivation of all GM crops in designated areas. A Ministerial Order has designated the entire state.	None	Reviewed in 2013 - extended indefinitely
South Australia	*Genetically Modified Crops Management Act 2004*. Provides for a moratorium on the commercial cultivation of all GM food crops. However, allows exemptions for field trials under specific conditions.	None	2019
Western Australia	*Genetically Modified Crop Free Areas Act 2003*. Provides for a moratorium on commercial cultivation of all GM crops in designated areas. Following a 2008 Ministerial Order, commercial cultivation is allowed for GM cotton in the Ord region and GM canola statewide.	Canola (grown commercially in WA since 2010)	Scheduled for repeal prior to the state election in March 2017.

Northern Territory	No State legislation.	Canola (as per federal legislation)	N/A
Australian Capital Territory	*Gene Technology (GM Crop Moratorium Act 2004.* Allows for prohibition of GM crop cultivation by ministerial order. Current orders prohibit commercial cultivation of GM canola varieties.	None	The Act and the moratorium remain in force.